

THE WARRIOR TAKING TO FLIGHT IN FEAR
SOME REMARKS ON MANU 7.94 AND 95
(Beiträge zur Kenntnis der indischen Kultur-
und Religionsgeschichte III)

0. While examining materials on the « laws of battle »¹, in the course of a study of the ideas about the right to kill in self-defence in ancient and mediaeval India, I chanced upon the verses Manu 7.94 and 95 and these have arrested my attention for quite some time now. For they are not only highly interesting in themselves, but invite closer inspection also because in commentaries on them we find an explicit reference to a philosophical author. A further consideration of no little importance is that these verses involve the problem of « transfer of merit » which has been a concern of quite a number of colleagues in recent years.

1. The verses at issue run thus:

yas tu bhītaḥ parāvṛttaḥ saṃgrāme hanyate paraiḥ /
bhartur yad duṣkṛtaṃ kiṃcit tat sarvaṃ pratipādyate // 94 //
yac cāśya sukṛtaṃ kiṃcid amutrārthaṃ upārjitaṃ /
bhartā tat sarvaṃ ādatte parāvṛttahatasya tu // 95 //

These are statements apparently so simple and clear that one should not expect anybody to be in doubt as to their meaning and reject e.g. Bühler's rendering²:

1. This is the term used by E. W. HOPKINS, *The Social and Military Position of the Ruling Caste in Ancient India as Represented by the Sanskrit Epic*, in JAOS, 13 (1889), p. 227 ff., cf. also fn. 9.

2. *The Laws of Manu* in « Sacred Books of the East » XXV, Oxford, 1886 (repr. Delhi-Varanasi-Patna, 1964, etc.), p. 231.

« But the (kshatriya) who is slain in battle, while he turns back in fear, takes upon himself all the sin of his master, whatever (it may be) »:

« And whatever merit (a man) who is slain in flight may have gained for the next (world), all that his master takes »³.

Though in the absence of a critical edition of the *Manusmṛti* which fully deserves this designation it is not possible to say anything definite about the transmission of the two verses, it seems that there is just one variant to be taken note of, as stated by Jolly⁴, viz. (*parāvṛttahatasya*) *ca* at the end of 7.95, attested in manuscripts containing the *mūla* text together with Medhātithi's and Govindarāja's commentaries⁵. And this *ca* looks, to be sure, very much like the original reading, whereas *tu* may well be explained as having originated in order to remove an apparent redundancy; but be that as it may, the meaning as such is practically not affected at all by this textual difference.

1.1. To the author of the *anukramaṇī*⁶ verses 1.111 ff. M. 7.94 and 95, if they were at all known to him, form an integral part of the general subject of the seventh *adhyāya*, viz. the exposition of « the whole duty of a king » (cf. *rājñaś ca dharmam akhilam* at 1.114 c); and, to quote a rather modern example, Laxmanshastri

3. J. D. M. DERRETT, *Bhāruci's Commentary on the Manusmṛti*. (The *Manu-śāstra-Vivarāṇa*, Books 6-12), ... Vol. II: The Translation and Notes, Heidelberg, 1975, p. 61 renders them thus: « But he who is frightened, turns back and is slain by the enemy in war, acquires all the evil that may have been done by his master ». « And as for the merit which the man who was slain after turning his back had won with a view to the next world his master takes all that from him ».

4. *Mānava Dharma-Śāstra*. The Code of Manu ... critically edited..., London, 1887, p. 309. DERRETT, *Bhāruci's Commentary* ..., Vol. I: The Text, Heidelberg, 1975, p. 67 fn. 2 notes a reading *ihābh* ... instead of *upārjitam* but he justly adds a question mark to it, since it is not even clear whether this has at all to be regarded as a variant. In addition, the *Dharmakośa* (cf. fn. 7) IV, Pt. 5, p. 2779, fn. 2 and p. 2780 fn. 1 mentions the following variants: *sarvaṇi tat* and *yat kiṃcit duṣkṛtaṃ bhartuḥ* for 7.94, and *yad asya* as well as (*bhartā*) *ca tat samādatte* for 7.95; but almost all of them are just transpositions caused most probably by an inaccurate memory.

5. Note that this is also the reading followed by the *Nītimayūkha* (cf. fn. 11). As for the scholastic interpretation of the various *ca* cf. Sarvajñanārāyaṇa on 7.95.

6. This term is applied to them e.g. by Medhātithi (on 1.111).

Joshi⁷ similarly failed to see any reason for not subsuming the two verses under the heading of *dharmayuddha* — which in its turn is a subsection of his long chapter on *yātrā*, «the march of an army»⁸. But inspite of the fact that the term *dharmayuddha*⁹ has not yet been studied comprehensively there is every likelihood that it does not refer to the duties a warrior has to fulfil towards his master; and it is evidently an important element of these latter duties which is dealt with in M. 7.94 and 95. This distinction was, however, felt and adequately taken into account e.g.¹⁰ by the author of the *Nītimayūkha*, *Nīlakaṇṭha Bhaṭṭa*¹¹; for he introduces his quotation of the two verses under discussion with the remark¹²: *palāyane doṣam āha manuḥ*, whereas the matter *Manu* has in mind according to him in the verses 7.91 - 93¹³, which he quotes a little later, is «those not to be killed [in battle]» (*avadhyān āha manuḥ*: 105.29).

7. *Dharmakośa* (Prājña-Pāṭha-Śālā-Maṇḍala Grantha-Mālā) Rājanītikāṇḍa Vol. IV Pt. 5, Wai, 1979, p. 2779 f.

8. Note that systematically this is distinguished from *yāna*, one of the group of the *śāḍguṇya* dealt with in Pt. 4 of Vol. IV of the *Dharmakośa* (p. 2151 ff.). If there is a terminological distinction between the two expressions, it would seem to be a later development; for at any rate at Mbh. 12.69.65-66 we find *yātrā* instead of *yāna* in an enumeration of the individual members of the *śāḍguṇya*, and at M. 7.182 the syntagma *yātrām yā* refers to the expression *yāna*, and *yā*, of the preceding verse.

9. Cf. also the term *yodhadharma* used at M. 7.98 und *suyuddha* at Kauṭīliya AŚ 10.3.30 (cf. fn. 71).

10. In Bhaṭṭa Lakṣmīdhara's *Kṛtyakalpataru* the two groups of verses, i.e. M. 7.91-93, on the one hand, and 7.94 and 95, on the other, are quoted not only separately, but clearly also in different systematic contexts (see vol. XI of the edition in «Gaekwad's Oriental Series», No. L, Baroda, 1943, p. 133 and 135 respectively). Similar observations can be made in the *Viramītrodaya* (Rājanītiprakāśa, in «Chaukhamba Sanskrit Series», 221, p. 406 and 408).

11. *Nīti Mayūkha* ..., ed. by Mahadeva Gangadhar Bakre and Vyankatesha Ramachandra Lele, Bombay 1921. (Note that this edition together with the other parts of the text has been reprinted under the title *Bhagavantabhāskara*, Vrajajīvan Prachyabharati Granthamala 9, 2 Vols., Delhi, 1985). The reference to this text is found in G. JHA, *Manusmṛti, Notes*, Pt. II: Explanatory, Calcutta, 1924, p. 457.

12. Viz. (Page) 105 (line) 10.

13. It should be noted that M. 7.90 is not quoted together with them in the *Kṛtyakalpataru* and the *Viramītrodaya*, the main reason most probably being that this latter verse mentions certain types of weapons not to be used in a battle.

But even if the two groups of verses in this part of the 7th *adhyāya*, viz. 90-93, on the one hand, and 94 together with 95, on the other, are in this manner — and, I think, quite justly — kept apart from each other, one cannot fail to observe and duly admit that the person responsible for juxtaposing them originally or later, as the case may be, had a remarkably good feeling for what can be put together. For the transition from enumerating « those not to be killed in battle » to pointing out the rather unpleasant consequences a warrior has to take on himself if he « turns back in fear » on the battlefield, seems in fact to be quite smooth, especially as the keyword *parāvṛtta* is mentioned already in verse 93¹⁴. It appears almost natural that immediately after referring along with others to « one who has turned back » in battle and has to be spared like the others, attention is now focussed on this particular type of combatant, although not any longer with regard to the manner in which he should be treated by the other warriors, but with a clear shift of perspective to his own conduct and its unavoidable consequences¹⁵.

On the other hand, M. 7.93 and 94 f. stand in contrast with, nay even in contradiction to each other: According to the former a *parāvṛtta* « is not to be killed » — that is to say, saves his skin — whereas the latter two verses deal with the consequences a *parāvṛtta* has to reckon with if he « is slain by the enemy in battle » (*saṃgrāme hanyate paraiḥ*)! One feels hence tempted to object: If a *parāvṛtta* is not to be killed and is therefore in fact also

14. *nāyudhavyasanaprāptaṃ nārtaṃ nātīparikṣatam /*

na bhītaṃ na parāvṛttaṃ satāṃ dharmam anusmaran// [scil. *hanyāt*].

In view of the context in general and the repetition of the negation in particular there cannot be the least doubt that what is referred to by *bhīta* here is a person different from that designated as *parāvṛtta*. The distinction is clearly stated e.g. by Medhātithi in explaining: *bhītaṃ mukharāgādīnā vijñāya śastrasaṃmukham api / parāvṛttaṃ pratyāvṛtya sthitam /*; similarly at Kauṭ. AŚ 13.4.52 a *parāṇmukha* is recognized as separate from a *bhayavirūpa*, «one who is pale from fright», in an enumeration of people to whom *abhaya* is to be given.

In M. 7.94, on the other hand, the attributes *bhīta* and *parāvṛtta* clearly refer to the same person, i.e. a warrior who « turns back in fear », — and not for any other reason.

15. Cf. Nandana on 7.94: *ayodhyasya parāvṛttasya doṣam āha yas tu bhīta iti / (bhartuḥ svāmīnaḥ /)*.

not killed, the question of what happens to him when he is killed should not at all arise! But there is a reply to this objection and it is one which suggests itself quite naturally at that: In some cases, and they are rare, a *parāvṛtta* actually may be killed in spite of the *dharma* rule according to which his life has to be spared; and it is to account for these cases that verses 94 and 95 are taught. — However, this could hardly pass for a convincing explanation, and this for various reasons: Firstly, one expects that, if not only then at least also, something is said about the consequences which this flagrant infringement of the laws of *dharma-yuddha* cannot but have¹⁶. Secondly, a question one cannot but put oneself remains unanswered, viz. whether a *parāvṛtta* if he is in fact not killed in most cases really gets away with his mean conduct¹⁷. And, thirdly, one could at least think of arguing along the following lines against a hypothetical common author of M. 7.93 and 94/95: If according to him the killing of a *parāvṛtta* brings the master an advantage and a disadvantage to the *parāvṛtta* killed, then some sort of a 'discount' should also be given to a person who is a *parāvṛtta* and though still *avadhya* is nevertheless slain — in case, of course, that we assume that his action is considered not to remain without consequences for him¹⁸.

What these deliberations ultimately lead to is the view, if it is not arrived at even earlier, that what forms the subject of M. 7.93 — and the verses preceding it — are but rules about an ideal, humane and chivalrous soldierly conduct, i.e. normative prescriptions (as in fact most of the material contained in *Dharmaśāstra* texts), whereas M. 94 and 95 refer to the real world, to what does really happen in many cases to a warrior « who turns back in fear », viz. that he is killed, and this not only in India and not only in the times of the wars of the two Epics¹⁹. And this difference is after

16. Rāghavānanda seems to have a similar feeling; cf. fn. 32.

17. Cf. Medhātithi on 7.94, below § 1.2.

18. Cf. the *api* added to ... *śatrubhir hanyate* by Govindarāja (cf. also n. 30).

19. I happen to recall e.g. the Tamil poem *Puṇam* 278, cf. A. K. RAMANUJAN, *Poems of Love and War ...*, New York, 1985, p. 182. On the other hand, it should be noted that e.g. at *Mālavikāgnimitra* 5 10/11 the expression *parāṇ-mukhībhūta* is used simply to denote a person who has been put to flight and that it does not necessarily imply that he was also slain (cf. fn. 71 and § 1.4).

all also clearly expressed in the text itself, viz. by the opposition between the optative or rather prohibitive²⁰ (*na ca hanyāt*), governing all the accusatives from 7.91 to 93, and the indicative forms in verses 94 and 95.

It is therefore no overstatement to speak of a gulf between the two groups of verses which is in fact not easily bridged: 7.91-93 are addressed to the ideal warrior who observes the 'laws of battle' and does not hence attack those who are traditionally considered to be *avadhya*, including the *parāvṛtta*; in contrast to this what is stated in 7.94 and 95 exclusively refers to a warrior « who turns back in fear », but it starts from the fact that he is killed in battle and it is restricted to the description of the 'metaphysical' consequences of his misdeed. What is at issue in the former group of verses is the warning not to disregard warrior ethics, whereas the latter is solely concerned with the loyalty a warrior owes to his master and with the consequences if he does not behave as he ought to. The ideal warrior is directly and expressly warned, but the statement of 7.94 and 95 contains a warning only indirectly and implicitly in that it intimates that if a warrior wants to avoid such consequences he should be loyal come what may. The admonitory aim, clearly discernible in 7.94 and 95 too, then is common to both the groups; but this feature is not only quite an abstract one, but also one generally to be expected in a work of this class.

1.2. In turning now to the commentators of the *Manusmṛti*²¹, it is Medhātithi (= Medh.) who will be given preference here and not because of his relative priority in time, but for other reasons which will presently become clear. His *Manubhāṣya* on 7.94 runs thus (IV 76.23-28)²²: *naivaṃ mantavyaṃ 'parāvṛtto yadi hanyate*

20. Cf. the discussion in Medhātithi's *Bhāṣya* on 7.93 about the status of this and the preceding verses leading to the conclusion: *puruṣārthaḥ pratiṣedhaḥ 'na kalañjaṃ bhakṣayet' itivat / tathā hi nañō mukhyārthavṛttitā bhavati /*.

21. Of the nine commentators whose works are available in print it is only Rāmacandra who does not say anything on the two verses under discussion. As for the remaining eight, for obvious reasons I cannot deal with the explanations given by all of them.

22. Reference is (here and in the following) to the (new) edition of J. H. DAVE, *Manu-Smṛti with Nine Commentaries ...* IV (Part 1: Adhyāya 7), Bombay, 1985. As a rule the text is reproduced exactly as printed there in

tadā[,] duṣkṛtī </> ahatas tu na' iti; kiṃ tarhi? parāvṛttamātra-nibandhanam doṣavacanam / kiṃ ca na parāvṛttahateneyam buddhiḥ kartavyā 'anubhūtakhaḍgaprahāro 'smy anṛṇaḥ kṛta-bhartṛkṛtya iti / tathāvidhāḥ prahārā na kasmaicid arthāyeti doṣa-tiṣayadarśanena darśayati </> bhartṛsaṃbandhiduṣkṛtam iti [/] yac ca vacanam uttaratra tadīyasukṛtagrahaṇam iti, tad arthavādaḥ / na hy anyena kṛtam śubham aśubham vānyasya saṃbhavati / na ca sukṛtasya nāśaḥ, kintu mahatā duṣkṛtena pratibandhe cirakālabhāvitā sukṛtasya phalasya ucyate //. « It should not be thought that [a warrior] is characterized by evil if he is killed in battle but that he is not [characterized by evil] if he is not killed (i.e. this verse should not be taken to mean that a *parāvṛtta* has to take on himself these consequences only if he happens to be slain) ²³. — What [does the verse] really [mean]? — [It contains] a teaching regarding an offence) prompted only by the turning back [in fear and not also by the fact of being killed]. Further, [the man] killed after having turned back should not believe that he has paid what he owes to his master, [i.e.] has fulfilled his duty to him, merely because he has suffered a fatal sword wound. [For] such wounds do not serve any purpose at all: this is shown [by Manu] by pointing out the high gravity of the offence [involved]. [What is said in the present verse] regarding the master's sin [falling upon the servant], as also [what follows] in the next

order to allow the reader to form for himself a clear idea of the deplorably poor quality of the work done by Mr. Dave who seems to have copied earlier editions without rhyme or reason. Quite in contradistinction, it is worth the trouble to look for a verse of Manu's in the *Dharmakośa* because the text of at least the more important commentaries is given there, too, yet evidently by an editor who has tried hard to understand each and every word of them. In the present case, e.g. the misleading comma after *tadā* and the *daṇḍa* after *duṣkṛtam iti* are quite correctly absent in the *Dharmakośa*, the puzzling sandhi *duṣkṛtyahatas* is justly dissolved for the sake of clarity and a *daṇḍa* is added after *darśayati*, as is proper.

23. G. Jha's translation of this sentence (*Manusmṛti. The Laws of Manu with the Bhāṣya of Medhātithi*, Vol. III, pt. 2, Calcutta, 1924, p. 343) is entirely off the point in that he fell a prey to the sandhi *duṣkṛtyahatas*: « It should not be thought that 'if the man is killed after having turned back, he does not die after having committed a sinful deed'; (because the offence lies in his having turned back) ». Apart from that, however, it is quite correct so that I accept it by and large.

[verse] regarding [the master] taking his (i.e. the servant's) merit — [all] this is [purely] an explanatory statement [and hence not itself a *vidhi*, injunction]. For what is done by one [man], be it good or bad, cannot accrue to another; nor can there be a total annihilation of a meritorious act, but [all that is possible is that], when there is an obstruction caused by a serious wicked deed, the fruition of the meritorious act is considerably delayed. [This it is that] is taught [in this verse, and nothing else] ».

After this rather detailed explication Medh. can, of course, afford to be brief in commenting on 7.95. In fact all he says (apart from analysing the compound *amutrārtham*)²⁴ is (IV 77.23): ... *tad apy asya niṣphalaṃ bhavati*, « this (i.e. what has been earned by him for some purpose to be fulfilled in the next world), too, becomes fruitless for him ».

What Medh. says on the two verses is so clear that it does not seem to call for any comment. Nevertheless it still leaves something to be desired in that the reader is not given an answer to the question he cannot but put himself, viz. how he should, according to Medh., understand the wording of 7.94 and 95, even granting that they are only *arthavādas*. Ultimately one cannot but find it amazing how convenient a label '*arthavāda*' can be for a commentator of Dharmaśāstra (and similar) texts: If for some reason or other he is not willing to take a statement at its face value, and in its literal sense, categorizing it as an *arthavāda* suffices to cope with the problem and to contend that what is meant by it is in reality something quite different — which is however in keeping with his own conviction. And in the present case, Medh. does not leave his readers in the dark about his reason or basic conviction. For he states in express terms that the meaning the two verses would have if they were to be taken literally is not possible, i.e. that any 'transfer of merit', any taking of the *duṣkṛta* of somebody else as well as any deprivation of one's own *sukṛta* is quite inconceivable. That he speaks his mind so freely, that he

24. In fact Medh. offers two alternative explanations, viz. [1] *artho 'syāstīty arthaḥ / arśādditvād* [cf. Pāṇ. 5.2.127] *ac / amutra [=] amuṣmiṃ loke yat prayojanaṃ tad arjitam* [read: *prayojanavad arjitam ...?*] / *tad apy...*, and [2] *amutrārtho 'syeti vāmutrārthaṃ vyadhikaraṇo bahuvrihī gamakatvāt prayojakatvāc ca /*

declares himself so openly a follower of this particular, rigorously individualistic, conception of *karma* has on the other hand the advantage of giving the modern philologist a still better handle against him; for it becomes thus quite easy to reject his interpretation of the two verses as evidently dictated by heavy prejudices, not to speak of Medh.'s incapacity to admit, even in theory, the possibility that the idea expressed in them belongs to another ambiance (with which he is perhaps not really familiar) or to another age.

Nonetheless, Medh. is not the only one among the commentators who wants us to believe that M. 7.94 and 95 are nothing but *arthavādas*.

1.3. Thus Bhāruci, too, is obviously of the same opinion, although this can only be inferred from the little that is preserved of his explanations on these verses, in particular from the term *nindā* used by him which is, however, revealing enough (67.6 - 8)²⁵:

*rājño 'nyasyāpi daṇḍa-puruṣasya parāvṛttasya nindā
śloka-dvayenoktā, yuktā ca tan-nindā yad-artham asau
hriyate tad akurvan pratya[vety eva].*

This is translated by Derrett thus²⁶: « In these two verses a deprecation is uttered against a man who turns his back, including any members of the forces even apart from the king himself. This deprecation is proper. He was taken for a particular purpose, he has failed to perform this and certainly sins thereby ». This is, no doubt, a fairly correct²⁷ rendering; there is, however, one point where I disagree: I find it revealing that English past tense forms are used to translate the present forms of the Sanskrit; the conclusion suggested by this observation cannot but be that *hriyate* in the text as received is corrupt and that it has to be emended

25. The edition referred to is, of course, Derrett's (cf. fn. 3 and 4) — which one would have liked to indicate the number of the *adhyāya* and verse above the type page. — The text as given in Dave's *Manu-Smṛti* (cf. fn. 22) is apparently taken from the MS. itself and Derrett's edition has been ignored by him much to his disadvantage.

26. *Op. cit.* (cf. fn. 3), p. 62.

27. The reservation is due to the fact that *api* has also been misunderstood; this part should rather be rendered: « against a member of the forces who turns his back, even if it is somebody other than the king ».

to *bhriyate*, echoing the expression *bhartṛ* of the verses: « He is kept for a particular purpose [and] if he does not perform this he certainly sins ».

1.4. Next it is Govindarāja (= Gov.) who deserves attention; for he makes the following remarks (77.12-16):

*yo bhītaḥ parāṇmukhūbhūtaḥ saṃgrāme
śatrubhir hanyate 'pi yadi tathāpi prabhor yat
kiñcit pāpaṃ tat sarvaṃ prāpnoti. /
pāpaṃ tasya bhavati hy etāvad atra vivakṣitam / anyam
vā kathayati apāpe prabhau pāpābhāvaprasaṅgena ca
prabhor eva tat prāyaścittaṃ tenāsau duṣkṛtāt pramucyate /
bhartṛgrahaṇād amātyasyāpi parāvartanādidoṣa (or: parāvar-
tanādi doṣa?) eva, na prakṛtasyaiva rājñah //.*

This is evidently corrupt in part. Thus one has clearly to read ... *bhavatīty etāvad* ...²⁸. Instead of *anyam vā* etc. the Dharmakośa has (IV 2780 a 14): *anyathā kathamcid apāpe prabhau pāpābhāvaprasaṅgena ca* ..., which is, no doubt, a better reading, but is still not completely satisfactory. Unfortunately, however, neither of the two 'editors' gives any information about the reading(s) as found in the manuscript(s) — if their text is at all directly based on any such source —²⁹, and a critical edition of Govindarāja's *Manvāsāyasāriṇī* is, and will most probably remain for quite some time, a tool one can only dream of. Hence all that can be achieved in a case like the present one is mere guesswork. Accordingly I cannot do more than propose to read instead: *anyathā kathamcid* (or: *katham apy?*) *apāpe prabhau pāpābhāvaprasaṅgo* </> *na ca prabhor eva tat prāyaścittaṃ yenāsau duṣkṛtāt pramucyate*. Taking these emendations as a basis the passage as a whole could be translated as follows:

« [A combatant] who has, frightened, become one with the face turned away [and has taken to his heels]³⁰, acquires, even if

28. This is also the reading found in V. N. MANDLIK, *The Commentary of Govindarāja on Mānava-Dharma Śāstra*, Bombay, 1886, as well as in the Dharmakośa (IV Pt. 4, 2780).

29. Both of them mention Mandlik's edition, but no manuscripts.

30. See fn. 18, i.e. note that Gov.'s — clearly forced — explanation (... *api yadi tathāpi* ...) seems to be provoked by the view that being killed forms already quite a severe punishment for an illoyal warrior.

he is killed in battle by the enemy, all the evil that may have been done by [his] master. What is intended in this [verse] is not more than that evil arises for him (i.e. the person who turns back) [from his cowardly conduct]. [For], in the other case (i.e. if the verse were to be taken literally) the absence of [any] demerit [for the *parāvṛtta*] would be the consequence [of this proposition], if the master were [himself] somehow free from sin. And [what is suggested in this verse is also] not an atonement [performed] by the master on his part by which he [would] free himself from the evil [done by himself, and, to be sure, this interpretation would suggest itself if what is said in the verse were to be taken literally]. Since the expression 'master' (lit. 'one who maintains') is used [in the verse], the offence of turning back etc. certainly [pertains] to a minister also, [and] not only to the king under discussion [in the present context of the *Manusmṛti*] ».

The explicatory phrase *pāpaṇi tasya bhavati* is not explicit enough for us to decide already at first sight what precisely Gov. has in mind; and, to be sure, his remark on 7.95 lacks even more in clarity³¹. The subsequent clause, however, viz. *etāvad atra vivakṣitam*, seems to indicate that what is said in 7.94 is according to Gov. nothing more than that the offence of turning back in battle — naturally — entails some *duṣkṛta* for the warrior who commits it. The question immediately suggesting itself, viz. why this *duṣkṛta* is given the attribute *bhartuḥ*, is significantly ignored by him³², though in the last sentence he himself refers to this

31. For it reads thus: *ya d iti / asya ca parāṇmukhahatasya yat kiñcit paralokārtham arjitam asti tat sarvaṇi prabhor bhavati //*.

32. According to Rāghavānanda (... / *bhartuḥ śastra-bharaṇayogyasya vānyasya yat pāpaṇi tat parāṇmukhaghātakānāṃ bhaved iti Govindarājah* /...) Gov. takes *bhartṛ* to mean one who is able to carry weapons. But there is nothing in Gov.'s commentary on 7.94 (or 95) which would support this view, on the contrary, what Gov. says on the expression *bhartṛ* (see § 1.4) clearly precludes such an interpretation. In fact it is quite impossible to find even a part of the view which Rāghavānanda ascribes to Gov. in the latter's text itself, e.g. that what M. 7.94 is about is the punishment of those who in spite of the corresponding 'law of battle' kill an enemy who has taken to flight. The matter was (unnecessarily) further obfuscated by Burnell and Hopkins (*The Ordinance of Manu*, London, 1884, p. 160 fn. 1) as is rightly pointed out by G. Jhṛ, *op. cit.*, *loc. cit.* (cf. fn. 11).

expression. Instead what he does is to put forward an argument of the *prasaṅga* type; that is to say, he confines himself to pointing out an — allegedly — absurd implication the verse would have if it were taken in its literal sense and hence to mean that the *duṣkṛta* which a *parāvṛtta* necessarily acquires by his disloyal act really is that previously done and accumulated by his master which is now only transferred to him. And it should be noted that this argument is valid for the second verse (7.95), too³³, with regard to which it could equally well be pointed out that the master would in a similar manner come off empty-handed, as it were, if the *parāvṛtta* happened not to have accumulated any merit at all. Though the exact wording of this sentence remains uncertain, the argument as such can, I think, be grasped quite distinctly, especially since it is repeated in substance by Sarvajñānārāyaṇa³⁴.

The situation is a little different in the case of the sentence immediately following upon it, i.e. that in which the expression *prāyaścitta* occurs. In all probability what is said in it amounts to the additional argument that it is not conceivable either that a « master » should be freed from his own *duṣkṛta* by the « turning back » of one of his warriors or that he can free himself of his demerit only if he performs the necessary atonement. In any case this much seems to be sufficiently clear: Gov. continues here to adduce reasons against a literal interpretation of M. 7.94! Taken together his remarks hardly leave any doubt that it is this view that he endeavours to show to be untenable. What he apparently has in mind in rejecting a literal interpretation is the first of « the three essential conditions generally accepted by the later Ālankārika's » for assuming a *lakṣaṇā*, viz. « the inapplicability

33. Though Gov. does not bring it forward in his commentary on 7.95 (quoted in fn. 31) which taken by itself could easily be understood to mean that the « master » really acquires the *sukṛta* accumulated by his servant. It may be noted in passing that the argument in question would be valid in both cases also if the two verses were interpreted as teaching that the illoyal warrior acquires only a *duṣkṛta* quantity equal to that of his *bhartṛ*, and the master a *sukṛta* quantity equal to that his servant has succeeded in accumulating.

34. Viz. 76.29-30: *bhartur yad duṣkṛtam iti bahutaraduṣkṛtotpādopalakṣaṇam na tu mukhyārtham aduṣkṛte bhartari tadabhāvāpattēḥ* //.

or the unsuitability of the primary meaning in the context »³⁵ (*mukhyārthabādhā*) — and philologically this is in fact the nub of the problem.

Yet the question is whether Gov. by adducing these arguments tells us the whole truth, i.e. really discloses his true motive. The *prasaṅga* type of argument is not so strong after all.

On the other hand it is possible that what Gov. says comes close to the idea so clearly and impressively stated by Medh., viz. that any form of 'exchange' of *duṣkṛta* and *sukṛta* substance between two individuals is impossible. But one cannot, of course, be absolutely sure that Gov. shares this rigorously individualistic conception of *karma*, particularly since it is not at all easy to explain why he did not also state it in express terms, but confined himself to adducing another reason. Yet, if both these commentators should really not agree on the idea of the absolute inalienability of *karma*, this much at least is common to them, viz. that they decidedly refuse to take M. 7.94 — and 95 — in their literal sense. Nevertheless it is possible that they differ as to their respective interpretations of the wording of these verses.

The concluding sentence of Gov.'s commentary on the former verse is noteworthy, too: One is puzzled by the 'ādi' added to *parāvartana*^o and wonders which other offence Gov. could have in mind. Does he think of other possible illegal acts of a minister or did the « etc. » slip into the pen in view of the consequences such a misdeed has or is it perhaps inspired by the fact that *parāvartana*, if taken literally, refers to the « turning back » only and not also to the subsequent flight (etc.)³⁶? On the other hand, an 'ādi seems to be missing after *amātya*; at least it is not easy to see why only a minister should in addition be included in the group of persons intended and not other servants also whom the *prabhu* likewise « maintains ».

But this sentence is, of course, interesting first of all in that it shows that Gov. by reading this into the expression *bharty*

35. Quoted from K. KUNJUNNI RAJA, *Indian Theories of Meaning* (Adyar Library Series 91), Adyar, Madras, 1963, p. 231.

36. Cf. also Rāghavānanda's *avataraṇa* to 7.94 and 95, viz. 77.4: *saṃgrāme parāimukh āder doṣam āha ya s tv iti dvābhyām* /.

evidently starts from the assumption that the subject of the finite verb forms *pratipadyate* and *ādatte* in 7.94 and 95 cannot but be that of the verses preceding these two, and this is allegedly « king ». Gov. thus draws our attention to another element of incoherence, not yet discussed above (cf. § 1.1): for it is difficult enough to agree with him that the subject of *na hanyāt* in 7.90 and 91-93 should be one of the *mahīkṣitaḥ* mentioned in verse 89 — at best this would be acceptable if this expression were taken to cover all *kṣatriyas* or all members of the forces; but agreeing with him becomes definitely impossible when it comes to what he takes to be the subject of 7.94 and 95; for the subject should rather be determined, contrary also to Bhāruci's explanation (cf. § 1.3 above), as « any member of the forces other than the king »³⁷; and for this the opposition between the agent of *pratipadyate/ādatte* and the concept of *bhartr̥* is sufficient proof. Besides it would be more than strange if what is stated in these two verses would refer only to a 'vassal' king, and not to any kind of warrior serving in an army whom we quite naturally assume to be loyal to his master.

1.5. Gov.'s interpretation of 7.94 is referred to among others³⁸ by Kullūka (= Kull.) to whom we have, however, to turn now, first of all because he not only advocates an opinion diametrically opposed to that of Medh. and Gov., but also because he enters into a discussion with both these predecessors of his. For, what he in his turn says is (76.31 — 77.3): *yas tu yodho bhī taḥ parānmukhaḥ sa yuddhe śatrubhir hanyate sa poṣaṇakartuḥ prabhor yad duṣkṛtaṃ tat sarvaṃ prāpnoti* </> *śāstrapramāṇake ca sukr̥taduṣkṛte yathā śāstra-saṃkramayogya* (read with e.g. the NSP-edition: *yathāśāstraṃ saṃkramaṃ*), and, of course, «yogye»³⁹ *eva sidhyataḥ* </> *ata evo-paṭivyaśāstreṇa bādhanān na pratipakṣānumānodayo 'pi / etac ca śaṣṭhe 'priyeṣu sveṣu sukr̥tam'* [6.79] *ity atrāviṣkṛtam*

37. Bhāruci's and Gov.'s interpretation is most probably not only based on the concatenation of the Manu verses as understood by them, but is also inspired by the fact that one king (along with his forces) may serve another, whatever the cause and the nature of the service.

38. As for Rāghavānanda's reference, see fn. 32.

39. Cf. fn. 22.

asmābhiḥ / parāṇmukhahatasya syāt pāpam </> etad vivakṣitam / na tv atra prabhupāpaṃ syād iti govindarājaḥ / medhātithis tv arthavādamātram etan nirūpayan (read [against all MSS?]: *nyarūpayan* (?)) </> *manye naitad dvayaṃ vyuktaṃ* (read: *yuktaṃ*) *vyaktam anvarthavarjanāt / anyadīyapuṇyapāpe 'nyatra saṃkrameta iti* (read: *saṃkramete iti*) *śāstraprāmāṇyād vedānta-sūtrakṛtā bādarāyaṇena nirṇīto 'yam artha iti yathoktam eva ra-manīyam //*⁴⁰.

« The warrior who, turning back in fear, is slain by the enemies acquires all the evil done by [his] master, [i.e.] provider. And merit and demerit for which there is the authority of the *śāstra* are both established as certainly capable of passing over [from one locus to another] in accordance with the [teaching of the] *śāstra*. Therefore an inference, too, which contradicts it does not operate because it is sublated by the *śāstra* on which [the Dharmaśāstra] rests. And this has been clearly shown by me [in commenting] on the verse 6.79. Govindarāja [is of the opinion] that what ought to be meant [by 7.94] is that⁴¹ [the person] who is killed after having turned back has demerit, but that it is not the master's demerit [which is spoken of] here. Medhātithi, however, states this [verse] to be nothing but an *arthavāda*. I think that both these [interpretations] are not correct because the literal meaning is clearly abandoned. On the basis of the authoritative statement of the *śāstra* according to which merit and demerit of one [person can] pass over to another [person], this matter has been decided definitively by Bādarāyaṇa, the author of the

40. I should like to thank my friend L. Schmithausen for drawing my attention to the fact that the text contains ślokaś, viz.

*parāṇmukhahatasya syāt
pāpam etad vivakṣitam /
na tv atra prabhupāpaṃ syād
medhātithis tv arthavāda-
mātram etan <nyarūpayan> /
manye naitad dvayaṃ <yuktaṃ>
vyaktam anvarthavarjanāt //*

41. That is to say, I assume that the phrase *parāṇmukhahatasya syāt pāpam* stands in the focus of the subsequent *etad vivakṣitam* — as if it were connected with it by an *iti*.

Vedāntasūtra; therefore [the interpretation] as given [by me at the very beginning] and no other is appealing (i.e. correct) ».

This is an entirely unequivocal explanation speaking for itself; nevertheless it is perhaps not totally superfluous to add the remark that what is referred to by the term *śāstra*, used here more than once by Kull., is clearly the Veda, or rather, to be precise, the *śruti*, i.e. that « means of instruction » of which the Dharmaśāstrins are firmly convinced that it forms the « root » (*mūla*) of their own *śāstra* and which is hence, quite interestingly, called the *upaśīvyāśāstra* of the Dharmaśāstra by Kull.^{41a}. As for Kull.'s interpretation of this verse and his criticism of Medh. and Gov., we shall presently come back to them; for, it is clearly advisable to start with his reference to his — probably even more detailed — discussion of the problem involved in his commentary on 6.79 and with his reference to Bādarāyaṇa: The significance they have within the framework of his argumentation cannot be overlooked.

2. In the course of his treatment of *saṃnyāsa*⁴², starting with 6.33, Manu, of course, also touches upon the subject of the ascetic's death. It is in this narrower context that he states:

*priyeṣu sveṣu sukṛtam apriyeṣu ca duṣkṛtam /
viśrjya dhyānayogena brahmābhyeti sanātanam* //79//.

« Making over (the merit of his own) good actions to his friends and (the guilt of) his evil deeds to his enemies, he attains the eternal Brahman by the practice of meditation »⁴³.

2.1. This verse is explained by Kull. thus (III 246.25 - 247.7):

*brahmavid ātmīyeṣu priyeṣu hitakāriṣu sukṛtam
apriyeṣv ahitakāriṣu duṣkṛtaṃ niksīpya
dhyānayogēna nityaṃ brahmābhyeti
brahmaṇi liyate / tathā ca śrutiḥ 'tasya putrā dāyam upayanti
suhṛdaḥ sādhuḥkṛtyaṃ dviṣantaḥ pāpakṛtyaṃ'⁴⁴ iti / aparā śrutiḥ*

41a. One might recall here (but cf. also § 2.1) Jayatīrtha's explanation of the term *śāstra*, viz. *śiṣyate yathāsthitaṃ pratipādyatē tattvaṃ aneneti śāstram*, Nyāyasudhā, Bangalore, 1982, Vol. I, p. 61.

42. Cf. M. 1.114 and 6.86.

43. Quoted from Bühler, *op. cit.* (see fn. 2), p. 212.

44. This *śruti* passage has been included by B. Ghosh in his *Collection of the Fragments of Lost Brāhmaṇas*, Calcutta, 1947, 97 (Fragment L). The

'tat sukr̥taduṣkṛte vidhunute tasya priyā jñātayaḥ sukr̥tam
 upayanty apriyā duṣkṛtam' [Kauṣ U 1.4] ⁴⁵ iti / evamādini eva
 vākyāny udāhṛtya sukr̥taduṣkṛtayor hānimātraśravaṇe 'py
 upāyanam pratipattavyam iti brahmamīmāṃsāyām 'hānau
 tūpāyanaśabdaśeṣatvāt kuśācchandaśtutiyupagāyanavat tad
 uktam' [BS 3.3.26] ityādisūtrair bādarāyaṇena niraṇāyi /
 nanu parakīyasukr̥taduṣkṛtayoḥ katham paratra saṃkrāntiḥ?
 ucyate / dharmādharmavyavasthāyām śāstram eva pramāṇam,
 saṃkrāmo 'pi tayoḥ śāstrapramāṇaka eva / ataḥ śāstrāt saṃ-
 kramaṇayogyāv etau sidhyataḥ / ataḥ śāstreṇa bādhān na
 pratipakṣānumānodayaḥ śuci naraśiraḥkapālaṃ prānyaṅgatvāt
 śaṅkhādīvad itivat /
 medhātithigovindarājau tu sveṣu priyeṣu kenacit kṛteṣu
 dhyānābhyāsenātmīyam eva sukr̥tam tatra kāraṇatvenāropya
 evam apriyeṣv api kenacit kṛteṣv ātmīyam eva prāgjanmārjitaṃ
 duṣkṛtaṃ kāraṇatvena prakalpyoddhṛtya tatsaṃpādayitārau
 puruṣau rāgaḍveṣākhyau tyaktvā nityaṃ brahmābhyeti
 brahmasvabhāvam upagacchati vyācakṣate /
 tan na visṛjyeti kriyāyām sukr̥taṃ duṣkṛtam iti karmadvaya-
 tyāgena tatsaṃpādayitārāv ity āśrutakarmādhyāhārāt kar-
 madvaye
 ca śrutakriyātyāgena kāraṇatvena prakalpyetyādyāśrutakriyā-
 dhyāhārāt / kiṃ ca
 vyāsavyākhyātavedārtham evam asyā manusmṛteḥ /
 manye na kalpitaṃ garvād arvācīnaṃ ⁴⁶ vicakṣaṇaiḥ //.

« He who knows the *brahman* for ever goes to the *brahman*,
 [i.e.] is absorbed in the *brahman* by the practice of meditation
 after having delivered [the merit of his own] good actions to his
 own friends, [i.e.] those who have done him a service, [and the
 demerit of his] evil deeds to [his] enemies, [i.e.] those who
 have done him a disfavour. And accordingly [it is said in] the

closest parallel in an extant Vedic text is JaiB 1.18 and 1.50 on which cf.
 H. OERTEL, in JAOS, 18 (1897), p. 46 and H. W. BODEWITZ, *Jaiminiya Brāhmaṇa*
 I, 1-65 ..., Leiden, 1973, p. 55.

45. Note that the reading preferred by editors of the Upaniṣad is
dhunute.

46. The NSP-Edition reads *arvācīnair* and this is quite evidently to be
 accepted as the correct reading.

śruti: 'His sons enter upon his inheritance, [his] friends upon [the effects of his] good conduct, [his] enemies upon [the effects of his] bad conduct' ⁴⁷. Another [relevant passage of the] *śruti* [runs] thus: 'With it he shakes off [his] good deeds and [his] bad deeds. Thereupon those of his relatives who are dear [to him] inherit [the merit of his] good deeds [and] those who are not dear [to him the demerit of his] bad deeds'. Having quoted precisely these and similar sentences as examples it has been decided definitively by Bādarāyaṇa in the *Brahmamīmāṃsā* by means of sūtras like [3.3.26] '....' that it has to be accepted that [others can] inherit [the effects of good and bad deeds] even if [the *śruti* itself] explicitly mentions only the abandonment of [the effects of] good and bad deeds.

But how can [the effect of] the good and bad deeds of one [person] pass over to somebody else? [To this objection] I reply: Regarding the decision about *dharma* and *adharma* (i.e. about what is *dharma* and what is not) there is but one authority/ means of valid cognition [and this is] the *śāstra* [of the Veda]; the passing over of these two (i.e. merit and demerit) ⁴⁸ is [definitively] guaranteed only by the authority of [this] *śāstra*. Therefore, because of [relevant statements in] the *śāstra* both are established as capable of passing over [from one person to another]. Hence an inference contradicting it does not operate because it is sublated by the *śāstra*, [namely an inference] like the following one: 'A human skull is [ritually etc.] pure because it is part of a living being just like a conch-shell' ⁴⁹.

Medhātithi and Govindarāja, however, interpret [this verse] as follows: Attributing, by the practice of meditation, everything

47. My translation of this quotation closely follows that given by Bodewitz, *op. cit.*, *loc. cit.* (s. fn. 44).

48. The masculine is rather puzzling here, for what should be referred to is, just as in the preceding sentences, *sukṛtaduṣkṛte*! Therefore one would expect the neuter *saṃkramanayogye*, corresponding to *saṃkramayogye* in Kull's commentary on 7.94 (cf. § 1.5).

49. Since the human skull-bowl was the 'trademark' of the Kāpālikas as rightly stated by D. N. LORENZEN (*The Kāpālikas and the Kālāmukhas*. Two Lost Śivaite Sects, Delhi, 1972, p. 80), there is every likelihood that Kull's example is a dig at them. Cf. also Śaṅkaradigvijaya 15.13 where Krakaca, the foremost of the Kāpālin teachers, asks Śaṅkara reproachfully: ... *śuci saṃtyajya śiṛaḥkapālam etat / vahathāśuci kharparam kimartham ...* //.

pleasant rendered him by somebody [else] to that very merit as its cause which is in fact his own, and assuming similarly that the demerit accumulated in previous births which is in fact his own is the cause of everything unpleasant rendered him by somebody [else], he relieves the two [types of] persons who bring them (i.e. what is pleasant to him and what is unpleasant) about of [his] love and hate⁵⁰ [i.e.] gives [them] up (i.e. ceases to feel love and hate for them) [and then] goes forever to the *brahman*, [i.e.] becomes one whose nature is *brahman*. — This [interpretation] is not [acceptable], for [it implies] that a [grammatical] object not actually stated [in the verse], [viz.] ‘the two who bring them about’, is supplemented to the verb [form] ‘making over’ by neglecting the pair of [grammatical] objects [actually mentioned in the verse], [viz.] ‘merit’ [and] ‘demerit’, and [it implies further] that a verb [form] not actually present [in the verse], [viz.] ‘having assumed... as a cause’, etc., is supplemented to the two [grammatical] objects by neglecting the verb [form] which is in fact mentioned [by Manu]. And besides I regard the contents of this Smṛti of Manu’s [to be] that of the Veda as explained by Vyāsa, [and do] not [think highly of] what[ever] clever people of later times out of conceit fancy [to be its contents] ».

2.2. Already at this stage, i.e. after having barely taken note of what Kull. says on 6.79, it is clear that it was indeed worth the trouble to follow up his reference to this portion of his Manv-arthamuktāvalī; for his remarks on 6.79 cannot only justly be regarded as elucidating his comment on 7.94 in that they are much more explicit and detailed, but this Manu verse is also highly interesting and of palpable importance both by itself as

50. The text as given by Dave — though in this case it agrees with that of the NSP-edition — cannot be correct here: The « two persons who bring them about », i.e. by whom he is rendered something pleasant or unpleasant, cannot be said to be « called love and hate » (*rāgadveṣ ākhyau*); apart from the context itself it is e.g. Gov.’s own commentary that is to be taken note of here, viz. 2A7.24: ... *tatsaṃpādayitāraṃ puruṣaṃ prati rāgadveṣābhāvān (nityaṃ brahmābhyeti...)* //. Assuming a graphical error I suggest the reading *rāgadveṣābhyaṃ*.

well as by the relation in which it evidently stands to its Vedic source(s) ⁵¹.

But it is equally patent that Kull.'s remarks on 6.79 also call for a thorough analysis, and this in various regards (not all of which can be dealt with by me in the present essay).

This analysis may be conveniently started by noting that Kull. cannot be denied to have given on the whole a quite correct report of what forms the gist of Medh.'s and Gov.'s explanations of M. 6.79 ⁵². No doubt, not a few interesting observations could be made if a full comparison between the two originals and Kull.'s 'summary' could be undertaken here ⁵³. I have, however, to confine myself to merely adding that Kull. clearly amalgamates what his two predecessors have said, and, I think, this is fully

51. This — and similar — passages of the Manusmṛti have also to be taken into account when dealing with the problem of the relation between «Veda and Dharma», which cannot be regarded as definitively solved by J. C. Heesterman (cf. his essay of the same name in «The Concept of Duty in South Asia», ed. by W. D. O'Flaherty and J. D. M. Derrett, Delhi, 1978, pp. 80-95).

52. This cannot be said of Bühler, cf. his foot-note, *op. cit.* (cf. fn. 2), p. 212. Medh.'s Bhāṣya reads thus (246.16-20) [note that my emendations here and in fn. 54 are only sporadic, and I do realize that the texts are still beset with difficulties; but this is, of course, calculated to show the quality of the editions we have so far]: *priti-paritāpakṛtaś cittasaṃkṣobho haṛśaśokādīlakṣaṇo 'nenopāyena parihartavyaḥ / 'yat kiṃcīt priyaṃ karoti tan mama sukṛtasya viśiṣyate* (= «that it is what is left of my good deed(s)»? Or is *viśiṣyate* a marginal gloss «it is [now?] specified:»?) *tasyedaṃ phalaṃ, naiṣa kartā mama snehabuddhyā priyaṃ, na cāyaṃ me śātravaṃ śaknoti kartuṃ, duṣkṛtaṃ pīḍākaram' ity evaṃ vimṛśya dhyānayogena citte bhāvayet / ato 'sya na priyakāriṇi rāgo nāpriyakāriṇi dveṣo jāyate / evaṃ kurvāṇaḥ śānātanaṃ śāśvataṃ brahmābhye'ti abhimukhaṃ prāpnoti / ... //*. And what Gov. says is (247.21-25): *svadharmāvirodhipriyeṣu kenacit kṛteṣu na prāgjanmārjitasukṛtaṃ antareṇa kasyacid ghaṭate / tenāyaṃ* (read: *tena nāyaṃ*) *puruṣo mama priyakartāpi tv ātmakṛtasukṛtaṃ ity evaṃ dhyānāpayāsena* (read: «*ābhyāśena*») *ātmīyaṃ eva sukṛtaṃ kartṛvenāropya evaṃ apriyeṣv api kenacit kṛteṣv ātmīyaṃ eva prāgjanmārjitaṃ duṣkṛtaṃ kāraṇatvena prakalpya tatsaṃpādayitāraṃ puruṣaṃ prati rāgadveṣābhāvān nityaṃ brahmābhyeti tadbhāvyam* (read: *tādbhāvyam?*) *upagacchati //*.

53. On the basis of such observations it should, I think, be rather easy to get beyond sweeping judgements about Kull. such as J. Jolly's that he «was a mere plagiarist» (cf. the «Preface» to his *Manuṣīkāśaṅgraha, being a Series of Copious Extracts from Six Unpublished Commentaries of the Code of Manu...*, Calcutta, 1885-89 (repr. Calcutta, 1986), p. I).

justified; but this apart, he also makes their interpretation⁵⁴ more explicit, and this he partially achieves by following Gov.'s rather than Medh.'s formulation.

Before turning to what matters most, viz. the general character and the 'logical' structure of Kull.'s commentary on 6.79 as a whole, a further digression cannot be avoided in that the reference to Bādarāyaṇa, met with here, too, and in a more elaborate form at that, needs clarification first.

2.3. To repeat BS 3.3.26: *hānau tūpāyanaśabdaseṣatvāt kuśa-cchandastutyupagānavat tad uktam*. This is thus translated by Thibaut⁵⁵: « Where the getting rid (of good and evil) is mentioned (the obtaining of this good and evil by others has to be added) because the statement about the obtaining is supplementary (to the statement about the getting rid of), as in the case of the kuśās, the metres, the praise and the singing. This (i.e. the reason for this) has been stated (in the Pūrva Mīmāṃsā) »⁵⁶.

This is clearly quite correct a translation as it agrees not only with Śaṅkara's interpretation, but also meets the intention of the Sūtrakāra himself. Now, one cannot fail to observe that the author of this sūtra does not by any means « quote » here even a single *śruti* passage « as an example », otherwise than Kull. contends (... *udāhṛtya* ...); at best he can be said to clearly have in mind passages like the two quoted by Kull. himself on M. 6.79;

54. In fact it can be traced back to Bhāruci; for the latter explains 6.79 as follows (44.1-6 [cf. fn. 3]): *priyeṣu sveṣu dharmaviruddheṣv* (read: *-aviruddheṣv*?) *ātmiyeṣu svādu-bhaikṣa-lābhādiṣu ca nipatatsu kārāṇatvenātmīyam e[va] sukṛtaṃ viśrjya* *dhyāna-yogena puramārtha-darśanena viniyujya taṃ kārāṇatayā sva-dharmaṃ vyudasya ca tat-saṃpādayitāraṃ puruṣam, evam apriyeṣu duṣkṛtaṃ viśrjya dhyāna-yogena paraṃ brahmābhyeti, kṣmayānaya* (read: *kṣamāvattayā*?) *vigata-rāga-dveṣatayā ca madhyastho bhūtvā*.

55. *The Vedānta Sūtras of Bādarāyaṇa with the commentary by Śaṅkara*, Pt. II in « Sacred Books of the East » XXXVIII, Oxford, 1896 (repr. New York, 1962, etc.), p. 225.

56. Śaṅkara's terse remark on *tad uktam*, viz. (*iti*) *vyākhyātam*, is a reference to what has been explained by him earlier in his Bhāṣya on 3.3.26, viz. 806.6-8 (cf. fn. 57): *śrutyantarakṛtaṃ hi viśeṣaṃ śrutyantare 'nabhyupagacchataḥ sarvatraiva vikalpaḥ syāt / sa cānyāyāḥ satyāṃ gatau / tad uktam dvādaśalakṣaṇām — 'api tu vākyaśeṣatvād itaraparyudāsaḥ syāt pratiśedhe vikalpaḥ syāt' iti* //. According to Śaṅkara what is referred to in the Sūtra is hence MS 10.8.15 or rather (cf. Vācaspatimiśra, and Bhāskara, too) 10.8.4.

the expressions *hāni* and *upāyana*, at least taken together, indeed seem to indicate that what Bādarāyaṇa has in view here is Kauṣ U 1.4 — and similar passages where in contradistinction to Kauṣ U 1.4 only the «getting rid of» is explicitly mentioned; but Kauṣ. U 1.4 is actually found-quoted — along with other relevant *śruti* material —, only by Śaṅkara in his Bhāṣya on BS 3.3.26! What Kull. says about the purport of this sūtra, viz. that according to it «it has to be accepted that [others can] inherit [the effects of good and bad deeds] even when [the *śruti* itself] explicitly mentions only the abandonment of [the effects of] good and bad deeds», on the other hand, fully agrees with the original; for Śaṅkara is evidently right when he paraphrases the first part of the sūtra, supplying elements left out in the sūtra itself, as follows (804.15)²⁷: *hānau tv ekasyām kevalāyām api śrūyamāṇāyām upāyanam samnipatitum arhati taccheṣatvāt*. In a similar manner, the «etc.» added by Kull. to his quotation of BS 3.3.26 (... *ityādi-sūtrair*) is also fully justified; for the subsequent sūtra in fact continues the discussion of this topic. But when Kull. in his final remark on M. 7.94 maintains that «this matter has been decided definitively by Bādarāyaṇa», one cannot again but help remonstrating that this is at least not done explicitly — whereas Śaṅkara in his turn e.g. states (in connection with clarifying that Kauṣ U. 1.4 is an *arthavāda* meant as a glorification of the Upaniṣadic *vidyā*) at 805.3-5: *itthaṃ mahābhāgā vidyā yatsāmarthyād asya viduṣaḥ sukṛtaduṣkṛte saṃsārakāraṇabhūte vidhūyete, te cāsya suhṛd-durhṛtsu nivīsete iti*, «glorious indeed is that knowledge through whose power the good and evil deeds, the causes of the saṃsāra, are shaken off by him who knows, and are transferred to his friends and enemies»⁵⁸.

57. Reference is to the NSP-edition, viz.: *The Brahmasūtra Śaṅkara Bhāṣya with the Commentaries Bhāmati, Kalpataru and Parimala...*, ed. ... by MM. Anantakriṣṇa Śāstri ..., Bombay, 1938².

58. Quoted from Thibaut's translation (cf. fn. 55), p. 226. Significantly, the glorificatory function of the so-called *upāyanavāda* is used by Śaṅkara to infer that «there is no need to rack one's brain too much about the question how the merit and demerit of one person can be 'inherited' by others» (805.10 f. *vidyāstutyarthatvāc cāsyopāyanavādasya katham anyadīye sukṛtaduṣkṛte anyair upēyete iti nātivābhiniवेश्यam*/). To all appearances, Ś., too, is not in favour of 'merit/demerit transfer'.

Of course, Kull.'s commentary on 7.94 has to be read in the light of what he has said on 6.79, especially since he himself refers back to it; but still in view of his expression *udāhṛtya* the general impression remains that he not only lets himself be led by Śaṅkara in working out what the Sūtrakāra aims at, but that he also does not clearly distinguish between the two authors, Bādarāyaṇa and his most famous commentator, or at least that this distinction is of no importance to him.

If this should be true, i.e. if Kull. really sees the Brahmasūtra through Śaṅkara's eyes, this observation would deserve some attention with regard to the history of the reception of the latter's Bhāṣya. But, this is admittedly nothing but an hypothesis, proposed *ad hoc*, which has still to be verified with the help of the further references to Bādarāyaṇa in the Manvarthamuktāvalī of which there is no shortage⁵⁹. And to be sure such a study would certainly also contribute to our still rather limited knowledge about the relation between the Dharmaśāstra and the various philosophical traditions⁶⁰.

Nevertheless, the single instance of a reference to the BS which has been examined here is sufficient evidence for the extraordinary significance this text has according to Kull. For fortunately it is precisely this problem on which he explicitly gives his opinion in his commentary on 6.79, viz. in the verse which he adds at the end by way of conclusion and summing up, as it were: *vyāsavyākhyātavedārtham evam asyā manusmṛteḥ / manye na kalpitaṃ garvād arvācīnair vicakṣaṇaiḥ //*. Though this can hardly be styled an unambiguous statement, Kull. apparently means to say, if I am not mistaken, that he is of the opinion that the meaning of the Manusmṛti is not different from that of the Veda, i.e. the *jñānakāṇḍa*, as explained by Vyāsa, i.e. Bādarāyaṇa. Most

59. It should, however, be noted that the corresponding entry in the index attached to the NSP-edition of the Manusmṛti (ed. by Nārāyaṇ Rām Āchārya «Kāvyaṭīrtha», Bombay 1946), i.e. the «Manvarthamuktāvalyuddhṛta-grantha-granthakṛnnāmasūci», is not complete.

60. Kull. himself gives but little information on it, viz. in *ārambhaśloka* 3 of his commentary: *mīmāṃse bahu sevītāsi suhṛdas tarkāḥ samastāḥ stha me vedāntāḥ paramātmabodhaguravo yūyaṇ mayopāsītāḥ / jātā vyākaraṇāni bālasakhitā yuṣmābhir abhyarthaye prāpto 'yaṇ samayo manūktavivṛtau sāhāyāṃ ālambyatām //*.

probably he does not by this want to contend a total identity of the two works, but rather an essential doctrinal agreement. And in this manner he, no doubt, hopes to support by a general and fundamental conviction his own interpretation of M. 6.79; to say it more precisely, he hopes to vindicate the fact that he has taken recourse to the *Brahmamīmāṃsā argumenti causa*, i.e. has cited Bādarāyaṇa as witness of the view that the good and bad deeds of one person can indeed pass over to somebody else.

2.4. This leads us back to the question of the 'logical' structure of Kull's commentary on 6.79, i.e. the succession, interrelation and function of the various arguments brought forward by him:

He quotes the two *śruti* passages evidently in order to show that what is said in 6.79 is in full agreement with certain statements of the Veda. Thereupon he draws upon the Brahmasūtra, and this clearly because he deems it necessary to guard his own interpretation of these *śruti* passages against possible objections by pointing out that it does not differ at all from that given by an authority like Bādarāyaṇa. The doubt which some people may still entertain as to the possibility of one person inheriting the effects of the good and bad deeds done by somebody else, is then dispelled by him; yet significantly enough not by offering what could be called a true, and perhaps even convincing explanation of this passing over, the procedure, its causes etc.; instead he emphatically conjures up, as it were, the supreme authority in all matter of *dharma* and *adharma*, the Veda, and adds the remark, redundant though it is to some extent, that this *śāstra* in fact contains statements to the effect that merit and demerit pass over from one person to another. Not unexpectedly he then winds up this part of the discussion by reminding his opponents, or readers, that « an inference contradicting it », i.e. the Veda as the foremost means of valid cognition, « does not operate because it is sublated by the *śāstra* », not without adding an illustration which is at once both convincing as well as deterrent. It should be noted here, though in passing only, that Kull's statement about the relative force and authority of Veda and inference is similar to the view held by Śaṅkara regarding the relation between reason and revelation — of which one can convince

oneself by looking into Halbfass's comprehensive and exemplary « Studies in Kumārila and Śaṅkara »⁶¹; on the other hand, however, it need hardly be mentioned that the rejection of reasoning which is opposed to the Veda is not a specific trait of Śaṅkara's philosophy but is, of course, equally characteristic of the Pūrvamīmāṃsā⁶².

To continue with the analysis of Kull.'s comment. He then gives his brief report of the interpretation of his two predecessors, but only in order to refute it thereafter uncompromisingly; and it is here that he finally adduces philological arguments in that he puts his finger on the sore point of the supplementations Medh. and Gov. have to make at the cost of the actual wording of the verse. Kull.'s argument hence basically amounts to vigorously pleading for the — in fact more natural — assumption that M. 6.79 has to be taken as it stands. And thus Kull.'s final argument reminds us of a similar one he brings forward in his commentary on 7.94 which clearly presupposes that on 6.79, examined just now.

3.1. Returning to what Kull. says on M. 7.94 it becomes immediately evident that the structure of the argument is on the whole the same except for the reference to the *Vedāntasūtrakṛt* which is here placed at the end. However, it should not be overlooked that approximately at the point where one would have expected this reference, Kull. directs his readers' attention to the fact that the question at issue has been discussed by him in his commentary on 6.79. In addition, it has to be taken into account that Kull. concludes the latter comment with the verse *vyāsavyākhyātavedārtham* etc., i.e. that he in this case, too, plays the card of Bādarāyaṇa. Nevertheless, his commentary on 7.94 is arranged in such a manner that it is two guns which are brought by Kull. into position against Medh. and Gov., viz. a philological (... *vyaktam anvarthavarjanāt*) and another one, religious-cum-philosophical authority, which latter is in its turn based on the (unquestionable) authority of the Veda. One wonders in which relation the two arguments stand to each other or which of them Kull. may

61. Reinbek, 1983, p. 40 *et passim*.

62. Cf. W. HALBFASS, *op. cit.*, p. 93. As for the differences between Śaṅkara's view and the Mīmāṃsā, see p. 42 ff.

have regarded as the major one. Since we do not yet know enough about the exegetical methods and devices of the Dharmaśāstra commentators in general⁶³ and Kull. in particular, it is not possible to offer more than suggestions: By the expression *manye* (*naitad dvayaṃ yuktaṃ*) Kull. seems to relativize his own position by characterizing it as a subjective one; but this may well be an erroneous impression, and this also because no expression corresponding to it is found in his commentary on 6.79. In all probability what the two arguments amount to is a type of circumstantial evidence: Madh.'s and Gov.'s interpretation is not acceptable because it contradicts a statement of Bādarāyaṇa's which is in its turn sanctioned by the *śruti*, and because it is, philologically speaking, forced, i.e. based on unwarranted, or at least quite unnecessary supplements.

4.1. The Western reader will, of course, find the philological argument decidedly more appealing, nay even quite convincing, even though he will not fail to give the reference to the Brahma-sūtra, and indirectly to Śaṅkara, its due. For there is indeed no indication whatsoever in M. 7.94, or 95, that it is not to be taken in its literal sense. Evidently only a highly biased reader can hit upon the odd idea of « abandoning the literal meaning » (*anvartha-varjana*); and, as has been shown, Medh. for one is not only heavily prejudiced, but also expresses his prejudice quite frankly, with the ring of true conviction.

This conviction obviously was a widespread one, and that not only in the times of Medhātithi. There is every likelihood that the strictly individualistic *karma* doctrine forming its core was still the predominant one during Kull.'s own times, or that it was at least still of considerable influence. For nobody taking notice of what Kull. says on M. 7.95, and 6.79, too, and of the manner in which he argues can help gathering the strong impression that he is palpably speaking with strong emphasis: The conclusion

63. Among the pioneers of this field of research it is only G. Mazzarella whom I should like to mention here since he continues to be « overlooked » inspite of J.D.M. Derrett's noble endeavour to call attention to his work (cf. *Juridical Ethnology: the Life and Work of Giuseppe Mazzarella* (1868-1958) in Z.V.R., 71/1 (1969), pp. 1-44 [= « Essays in Classical and Modern Hindu Law », Vol. II, Leiden, 1977, pp. 424-468]).

suggesting itself is that he was well aware that it would not be easy to gain acceptance for his own interpretation, that special efforts had to be made to overcome the resistance of those who follow Medh. or in any case agree with him in substance. And it is not illegitimate to assume that it is mainly because of this 'opposition' that Kull. resorts to Bādarāyaṇa and the Veda as a source of help.

4.2. It is highly regrettable that Kull. does not himself disclose his motives for entering the ring in this case and in this manner. For the arguments which he explicitly adduces cannot unfortunately be regarded as illuminating in this regard, though it would certainly be unfair to cast on him the suspicion of being just a know-all or to insinuate that he gainsays only for the sake of gainsaying.

Yet, whatever his true motives may have been, this much is, I think, quite clear: it was not (ultimately) historical considerations which made him hit the target: for, that he did hit it, i.e. that he does in fact give a faithful interpretation of M. 7.94 f., cannot be seriously disputed. Considerations of a historical nature are the domain of the Western philologist who will not, however, therefore cease, in the present case, to feel himself in essential agreement with the Indian commentator, cease to have affection for him or even admire him to some extent for having arrived at the correct conclusion albeit probably by insufficient means.

For the matter is in fact different from what Medh. takes it to be: Kull.'s interpretation is the only acceptable one precisely because it is, in contradistinction to Medh.'s own, not framed so as to achieve a neat harmony with the strictly individualistic *karma* theory. In other words: The fact that it is in flagrant contradiction with this theory, nay even seems to clearly defy it, practically furnishes a guarantee for its being correct. The coexistence of divergent or even mutually irreconcilable ideas is a well-known feature of Indian culture, particularly of Hinduism, and attempts of various types to reconcile such differences have been noted and described more than once. There are two explanations which are generally offered in such cases, and both are in principle of equal plausibility, viz. that the ideas in question are of different historical origin or that they belong to different

groups of people, sections of the population, social strata, etc. Yet, before we can examine which of the two models of explanation applies in the present case, it is necessary to recapitulate what has become clear so far regarding the meaning of M. 7.94 and 95.

4.3. Both verses have to be taken in their literal sense. In this connection it should also be mentioned that Yājñ. 1.325 cd⁶⁴ exactly corresponds to M. 7.95 (in that it reads thus: *rājā sukr̥tam ādatte hatānām vipalāyinām* /), but that it has apparently never been given the attention the two Manu verses have received: for Viśvarūpa's remark⁶⁵: *yuddhārthaṃ hi tatsaṃgrahād yuktam evaitat*, i.e. the fact that he deems it necessary to explicitly declare this statement to be justified, does not seem to be provoked by the questions that gave considerable trouble to Medh. and his colleagues. The parallel from the Yājñavalkyasmṛti is interesting from another point of view also, viz. because it lacks a statement corresponding to M. 7.94. However, the main interest lies in the fact that it stands in a different context; for the first half of this Yājñ. verse reads thus:

padāni kratutulyāni bhagneṣv avinivartinām /,
and this is explained by Aparārka as follows⁶⁶:

nijarājasainikeṣu śatrubhayāt palāyanapareṣu bhagneṣu ye na nivartante kiṃ tu satruṃ pratyabhimukhā yānti teṣāṃ padāni kratubhir yajñais tulyāni pade pade yajñaphalaṃ labhanta ity arthaḥ /. That is to say, what Yājñ. envisages is the situation of an imminent or actual defeat of an army in battle, and in such a situation the only choice open to a warrior seems to be that between an honourable⁶⁷ or a dishonourable death. One need

64. As for further parallel material, cf. P. V. KANE, *History of Dharmaśāstra*, Vol. III, Poona, 1973², p. 211 f. and fn. 68a.

65. *The Yājñavalkyasmṛti with the Commentary Bālakrīḍā of Viśvarūpācārya*, ed. by T. Ganapati Sāstri, Delhi, 1982², p. 188.

66. *Aparārkaṇḍaparābhīdāparādityaviracitaṭīkāsametā Yājñavalkyasmṛtiḥ...*, (ĀSS 46) 1903-04, p. 582 1. 3-5.

67. It is no surprise that death is considered to be particularly honourable if it is met with « in attempting to recover the property of Brāhmaṇas » (ĀpDhS 2.26.2); note that this sūtra is quoted (though in a heavily distorted form) in Mitrāmīśra's *Viramitrodaya*, *Rājanītiprakāśa*, Benares, 1916, p. 407 and Bhaṭṭa Lakṣmīdhara's *Kṛtyakalpataru*, *Rājadharmakāṇḍa*, Baroda, 1943,

not, therefore, in the present case wonder that what is said about the warrior taking to flight is based on the assumption that he is in fact slain — and that an escape is almost out of question. It is hence tempting to consider the possibility that this is the original or true context of M. 7.94 and 95, too, i.e. that what is stated in these two verses likewise refers — not to a battle in general, but — to the particular situation of a lost or almost lost battle when for the warriors who face defeat the chances of survival are but small even if they were to seek refuge in flight⁶⁸, i.e. when the risk to be killed is extremely high.

But be that as it may, there can hardly be any doubt that M. 7.94 and 95 take it for granted that a warrior taking to flight is, in most cases at least, slain by the enemy. At any rate their author decided to consider this case alone and to call attention to it only^{68a}; and, one cannot help adding, the final aim of what he says is as clear as one could wish (as is indeed also the type of person whom he addresses): He wants to motivate warriors, perhaps even all members of the force⁶⁹, to fight bravely, to rather

p. 133 f.; note too that in this sūtra death in battle is (still?) considered a *yajña*, but that the idea is (still?) absent that such death is equivalent to the merit gained by a (certain number of) particular sacrifice(s).

68. As, of course, many nevertheless do, among them e.g. Duryodhana whom Arjuna therefore addresses (Mbh. 4.60.16 ab):

*vihāya kīrtiṃ vipulaṃ yaśaś ca
yuddhāt parāvṛtya palāyase kim /.*

68a. The fact that besides taking to flight other forms of disloyalty have been taken into account by the authors of Dharmaśāstra texts is e.g. shown by the Kṛtyakalpataru (cf. fn. 67), 134 ff. (cf. also Viramitrodaya [cf. fn. 67], p. 407 ff.): In a verse ascribed to Parāśara the members of the force are warned not to abandon their *svāmīn* in battle when he is *patita* (the latter expression apparently meaning «fallen down [from his chariot or animal used for riding], gone down»; cf. Kauṭ. AŚ 13.4.52); or a *bhṛtya* who does not accompany his king, set out on an expedition, is said to go to hell — in a passage quoted from the Ādityapurāṇa.

69. Cf. § 1.3; the fact that in a passage only *kṣatriyas* or even particular, outstanding members of this *varṇa*, are mentioned, should not, of course, lead to the assumption that the persons ultimately intended as those admonished to fight bravely, etc., are only the(se) *kṣatriyas* and not all the members of the force. In this connection it should be noted that already Kauṭalya (AŚ 9.2) speaks of various troops, including *vaiśya* and *sūdra* armies which «when having great numerical strength» are considered by him to be equal to a *kṣatriya* army «trained in the art of weapons».

die on the field of honour than to even consider the alternative of taking to flight. Rulers, military leaders, etc., of all times and countries obviously can't seem to avoid giving considerable thought to the methods by which they could make their armies as effective in combat as possible and eradicate what they find particularly annoying, viz. lack of courage, taking to flight and desertion. And naturally Manu is no exception to this⁷⁰, as can be seen e.g. in the Arthaśāstra⁷¹ and in the *yodhopadeśa* section of the Nīti-mayūkha⁷².

70. Hopkins, however, maintains that «no low man gets a reputation for bravery or even cowardice. He is but a brick in a row» (*The Social and Military Position of the Ruling Caste in Ancient India as Represented in the Sanskrit Epic* in JAOS 73 (1889), p. 185 and 189, fn. 5).

71. Viz. 10.3.27 ff. Cf. also P. V. KANE, *History of Dharmaśāstra*. Vol. III, 1973, p. 211 f. The second of the two verses quoted (*apiha śloka bhavataḥ ... iti*) at 10.3.30-31, viz.

*navaṃ śarāvaṃ salilasya pūrṇam
susaṃskṛtaṃ darbhakṛtottariyam /
tat tasya mā bhūn narakaṃ ca gacched
yo bhartṛpiṇḍasya kṛte na yudhyet //*

has provoked quite some discussion as it is also found in the Pratijñāyau-gandharāyaṇa ascribed to Bhāsa, viz. at 4.2, and with minor variants only at that (*salilaiḥ supūrṇam and sa (gacched)*); cf. N. P. UNNI, *New Problems in Bhasa Plays*, Trivandrum, 1978, p. 213 ff. I do not want to continue this discussion here, but a few remarks seem relevant. What Kane says (*op. cit.*, loc. cit., fn. 277) about the verse in the play, viz. that there it «also appears to be a quotation being introduced with the words *śṛṇvantu bhavantaḥ*» is nonsense; for, the prose introduction is quite clearly only meant to attract the attention of those whom Gātrasevaka wants to address at this point. As for the Arthaśāstra, there is no doubt that the two verses form genuine quotations; but R. P. Kangle's opinion (*The Kauṭīliya Arthaśāstra*, Pt. II, Bombay, 1963, p. 509 fn. on paragraph 28) that they are a later addition deserves careful consideration (although one will hesitate to agree with him that Aś 10.328 and 329, too, are part of this later addition). Nevertheless, I think H. Scharfe is right in stating (*Untersuchungen zur Staatsrechtslehre des Kauṭilya*, Wiesbaden, 1968, p. 4) that «one cannot be sure that the play of Bhāsa is the source». Further, it should be noted that Kangle's interpretation of *navaṃ śarāvaṃ*, etc., viz. (*op. cit.*, loc. cit.) that it «clearly refers to the vessel from which libations of water are offered to the deceased», is to be preferred to that given by T. Ganapati Shastri (*The Arthaśāstra of Kauṭilya with the commentary "Srimūla"*... repr. with an elaborate Introduction by Dr. N. P. Unni, Delhi-Varanasi, 1984, Vol. III, p. 116), according to whom the verse means: *śarāvaṃ pātraviśeṣaḥ / tad dhy udakapūrṇam mantrābhimantraṇasamskārayuktaṃ darbhasaṃvitaṃ yuddhajayābhhyudaya-kālikam prabhṛtaṃ bhartṛpiṇḍārtham ayudhyamānasya labhyaṃ na bhavati, narake ca sa patati...*.

And one of the methods adopted to keep a warrior from doing what he should not, is to threaten him with punishment; and logic demands that this punishment be such that it really has a preventative effect. It is equally understandable that the punishment is not confined to this world, the remaining span of life; for, in the case of a warrior it is but realistic to extend the threat to the period after death⁷³. In fact, M. 7.94 and 95 refer to this period exclusively in so far as they deal with « a warrior taking to flight who has been slain by the enemy » and completely disregard the possibility of a successful though disgraceful escape⁷⁴.

Not correct is also Unni's remark (*op. cit.*, *loc. cit.*) that « according to a commentator of the Arthaśāstra » — viz. Mādhava Yajvan, as one is forced to find out on one's own after no little search — « the quotation is from the Manunīti through it cannot be traced »; for, the passage referred to in the Nayacandrikā (*Arthaśāstra of Kauṭilya*. A New Edition by J. Jolly... and R. Schmidt, Vol. III, Lahore, 1924, p. 180) runs thus: *manunītāv api manu-gītatayā purāṇo 'pīty arthaḥ*; it is not at all clear to which word or sentence of the *mūla* text this refers and what it is that is predicated as being *purāṇa*; if in fact it refers to the two verses, or rather the prose sentence preceding them, it could be taken to mean that the idea expressed in these verses is old as it is found in the Manusmṛti (not uncommonly called Manunīti in the South) also, and this would then be an implicit reference to Manu 7.88 and 89, on the one hand, and to 7.94 and 95, on the other. Finally, attention may be drawn to an article of V. Raghavan's, viz. *Kālidāsa and Kauṭilya* in « Proceedings of the All India Oriental Conference Nagpur », 1946, pp. 102-108, in which it is rightly pointed out that the verse quoted at AŚ 10.3.31 helps in reaching a full understanding of Mālavikāgnimitra 5 11/12 where the king tries to console a *parivrājikā* whose brother has been slain in battle by addressing her thus: *bhagavati tanubhṛtām idṛśi lokayātrā / na śocyas tatrabhavan saphalīkṛtabhartṛpṇḍaḥ* / («... by whom the lump of food received from his master has been made fruitful, i.e. who has in not turning to flight duly paid back what he has received from the king»); cf. also the expression *niṣkṛtiḥ svāmipṇḍasya* in the passage from the Āditya-purāṇa quoted at Viramītrodaya, Rājanītiprakāśa, Benares, 1916, p. 408.

72. *Nīti Mayūkha* by Nilkanth Bhatta, ed. by M. G. Bakre and V. R. Lele, Bombay, 1921, p. 100 ff., contained also in the reprint entitled *Bhagavanta-bhāskara*, Delhi, 1985, Vol. I.

73. This is richly evidenced by the material drawn upon by P. V. Kane, *History of Dharmaśāstra*, Vol. III, Bombay, 1973, p. 211 and the relevant portions of Nibandha texts like e.g. Mitrāmīśra's Viramītrodaya, *loc. cit.* (cf. fn. 71).

74. Cf. e.g. the passage quoted by E. W. Hopkins, *op. cit.* (cf. fn. 70), p. 186.

The punishment with which he is threatened is according to Manu the — evidently irreversible — loss of whatever merit of his good deeds he may have accumulated so far, and this loss is effected by its being 'taken away by' his master; but the master is not only given this recompense for the detriment he suffers because of the warrior's disloyal act, but he has, at least according to M. 7.94, the additional advantage of getting rid of the effects of his own deeds which pass over to his disloyal servant.

The latter is really bad off now: there is nothing left him but *duṣkṛta*, i.e. a probably considerable quantity of *adharma* substance, viz. his own plus that of his master passing over to him in its entirety. Significantly enough, in the verses themselves the possibility has not been taken into account that the master or the warrior may lack any *sukṛta* or *duṣkṛta*; for, the probability or rather improbability of such a lack apart, this shows again that all that matters to the author is — not to tackle academic questions but — to emphatically impress loyalty upon the warrior (who cannot in fact ever reckon with the possibility that his master is by chance free of any *duṣkṛta*: and as for his own, he will himself know that the is not by any means 'undefiled' or entirely lacking in merit).

The result of this punishment is hence that the master has, at this particular point of time, only *sukṛta* whereas his servant carries a more or less heavy burden of *duṣkṛta* only. Nevertheless, it would not be justified to call this twofold passing over of the effects of deeds an exchange of the corresponding substance: for, the parting of his *sukṛta* by the warrior, and even that of his *duṣkṛta* by the master, cannot be said to be a volitional or even conscious act. Even the verb *ādatte* of 7.95 does not necessarily imply that the acquisition concerned is a deliberate, conscious act⁷⁵: it may equally well mean no more than that the master gets this *sukṛta* as the result of a passing over of which he is entirely ignorant, not to speak of having willed it.

75. This is why Bühler's rendering of *pratipadyate* in M. 7.94 (cf. § 1) by « takes upon himself » is not acceptable after all.

4.4. Now it is clear that only a person who — if he does not also himself believe in some kind of afterlife⁷⁶, then at least can be sure that the warriors in their turn believe in it — can hope to really threaten them with such a punishment. The question, however, is the precise nature of these ideas about life after death. And it is clearly also connected with that raised above (cf. end § 4.2) regarding the correct explanation of the coexistence of the two divergent conceptions of *karma*, e.g. in the times of the various commentators of the *Manusmṛiti*.

In contradistinction to M. 6.79, the idea expressed in 7.94 and 95 cannot itself be traced back, to all appearances, to Vedic texts. But it does not require hard thinking in order to realize that this idea bears close resemblance to that of M. 6.79, or its Vedic sources, and, to be sure, not only as regards the basic substantialism common to both. For clearly in both cases the effects of good and bad deeds are regarded as a (subtle) substance which can pass over from the person to whom it originally belongs to somebody else. It is, therefore, rather tempting to assume that the idea expressed in M. 7.94 and 95 goes back likewise to the period of the *Brāhmaṇas* and early *Upaniṣads*; and I should like to propose this hypothesis with the important reservation, however, that all I want to say is that the general idea of the effects of one's deeds as something capable of passing over belongs to that period.

Now M. 6.79, or rather its Vedic sources — as referred to by Bādarāyaṇa and quoted by Śaṅkara — are part of a stratum of literature which documents the beginnings of the theory of rebirth, and that of *karma* closely connected with it, i.e. which belongs to a period when these theories were still far from being generally accepted. Therefore, it is legitimate to see whether the idea expressed in M. 7.94 and 95 could similarly date from the same time, i.e. whether it has anything at all to do with the theory of rebirth. There is only one way to try to answer this question, viz. to test this idea as to whether it presupposes or implies the theory of rebirth. The result cannot but be that neither this idea as such nor

76. The substantialism, etc., being presupposed by me.

its efficacy as means of threatening presupposes or implies the theory of rebirth and karmic retribution as connected with it. All it presupposes is, as has already been stated, the belief in an after-life and, of course, in its being influenced or even entirely framed by the effects of one's own good or bad deeds (including ritual activity), and such an afterlife can be, and was in fact in early Vedic times, conceived of as a single one.

On the other hand, it has to be admitted that the idea expressed in M. 7.94 and 95 does not entirely preclude the possibility of being nevertheless based on the theory of rebirth. In any case, and this is of essential importance in this connection, it was open to an interpretation, or re-interpretation, along the lines of this theory, at least in so far as the 'result' is concerned, i.e. the fact of one's having a certain quantity of *duṣkṛta* or *sukṛta*, — not, of course, as regards the manner by which this was 'gained'. But as it is clearly the procedure on which emphasis lies in the two Manu verses, and not so much on consequence(s), it remains difficult to regard the latter interpretation, though theoretically possible, as also probable, and the radical solution chosen by Medh. etc.⁷⁷ seems to confirm this doubt.

What suggests itself hence is the assumption that if at all the idea expressed in M. 7.94 and 95 continued to be an effective threat in later times, then this was possible first of all because the group to which it was addressed regarded, or continued to regard, the effect of good and bad deeds as something which can pass over from one person to another *in toto* or perhaps also partially, i.e. that this group did not share the view of *karma* as a strictly individual and unalienable possession, or at least did not regard it as valid in each and every case. In this connection one cannot but recall the particular *kṣatriya* form of faith in life after death, viz. that of going to the *indraloka* upon falling in battle⁷⁸. Though apparently attested in its elaborate form in the Epics only, clearly this belief has its origin in Vedic ideas about heaven; indeed, it was still a living faith in far later times as can be seen e.g. in the *Nīti-*

77. Not to forget Śaṅkara's apparent uneasiness, on which see fn. 58.

78. A particularly well-known piece of evidence for this idea is Nalopākhyāna 2.15 f. (= Mbh. 3.51.15 f.).

*mayūkha*⁷⁹, and there is no indication whatsoever that it was then taken only metaphorically or allegorically. There is therefore some likelihood that the group of the *kṣatriyas* was markedly 'conservative' also as regards their ideas about the consequences of a disloyal act such as « taking to flight in fear », that they kept to their own 'sacred' tradition and that this is the reason why we find these ideas stated in M. 7.94 and 95. In passing it may be noted that the relation to the *indraloka* conception deserves attention for another reason also; for M. 7.94 and 95 seem to answer the question what happens to those who — otherwise than the ideal warrior — are not slain in battle⁸⁰ and do not hence go to heaven, but are slain while taking to flight⁸¹. Perhaps this is also the clue to a full understanding of the fact that the two verses only consider the death of a *parāvṛtta*, and not his escape⁸².

4.5. It remains to be seen whether this *kṣatriya* traditionalism is somehow connected with the old rivalry, or rather antagonism, between the warriors and the Brahmins. The difficulties one is confronted with in gaining a clearer understanding, historically or otherwise, are considerable at this point, and this is partially so because there is a gap in our knowledge; for the fact is that, as far as I can see, not much research has been done as to the general problem of the (most probably various and complex) reasons which led an Indian group to stick to a particular 'old' idea although the idea has elsewhere and even generally become obsolete, i.e. has been virtually superseded by a 'new' one. Therefore all I can offer in the present essay are a few suggestions which may prove useful to further research on this problem.

If my proposal is accepted that the idea expressed in M. 7.94 and 95 is originally of *kṣatriya* provenience and continued to appeal

79. *Loc. cit.* (cf. fn. 72); see also KANE, *op. cit.*, *loc. cit.* (cf. fn. 73).

80. On this *kṣatriya* ideal see e.g. HOPKINS, *op. cit.* (cf. fn. 70), p. 186 ff., K. V. Rangaswami Aiyangar's 'Introduction' p. 73 f. to his edition of the *Kṛtyakalpataru*, Vol. XI: *Rājadharmakāṇḍa*, Baroda, 1943 and P. V. KANE, *op. cit.* (cf. fn. 73), p. 57 f.

81. According to some sources (cf. e.g. P. V. KANE, *op. cit.*, p. 211 and cf. also fn. 68a) they go to hell, and this it is which M. 7.94 and 95 also ultimately amount to in all probability.

82. It is of some consequence also for the question (discussed in § 1.4) as to what is the grammatical subject of M. 7.94 and 95.

to warriors in particular, it becomes possible to frame another hypothesis, viz. that it is because of its 'class character' that this idea is not attested in texts older than the *Manusmṛti*: It belonged to a social stratum other than that which has almost exclusively produced and transmitted the older literature. And the two models of explanation for the coexistence of divergent, or even mutually exclusive ideas (cf. the end of § 4.2) can be combined. The idea expressed in M. 7.94 and 95 is older than the strictly individualistic *karma* theory, but it also belonged to a particular group of people, and this fact is responsible for its comparatively late, and sporadic, presence in brahmanical literature.

The idea expressed in the two verses is not only clear-cut and catchy, but also rather simple: To cheat one's «provider» (*bhartṛ*), that is, in Kull's words, «the person who makes one prosper» (*poṣaṇakarṭṛ*)⁸³, out of the *quid pro quo* due to him cannot but have the consequence of the loss of one's own, or part of one's own, property; and in the case of a warrior and in the situation as is a battle it is, as we have seen, an obvious conclusion that the only suitable property is the effect of his good deeds «accumulated for the next world» which can be forfeited by him; and that this is conceived of as their passing over to the master is equally convincing, for it is after all he who suffers wrong. Since the gravity of the offence calls for a correspondingly severe punishment, or since the admonitory goal is thus more certainly reached, it is understandable that the consequences are said to include the opposite process, too, viz. that the master discharges, as it were, his own demerit on his disloyal servant; in any case, the idea is thus symmetrically developed and rounded off.

This is an idea which, I think, easily impresses itself on one's mind and to which it is therefore not at all farfetched to ascribe

83. Among the meanings given for the root *puṣ* when transitive, and *poṣayati*, in the dictionaries it is most probably that of «feeding, maintaining» which is the correct one as regards the central idea about the relation between *bhartṛ* and warrior (cf. § 4.5.2 as well as the expression *bhartṛpiṇḍa* in fn. 71). On the other hand, the range of meanings is such that it allows even for an overaccentuation of the rôle of the «master», so as to make him a benefactor of sorts, and this may well be Kull's intention; cf., however, Dhātupāṭha 3.5 and e.g. Amarakośa 3.3.59.

also a certain popularity — in addition to its belonging to the warrior group. The assumption that the idea expressed in M. 7.94 and 95 did survive also, or first of all, because it was popular, i.e. suited to the understanding of the great mass of people, to the general and uneducated public, may be taken as an additional or alternative explanation for its not being attested earlier. There is, admittedly, no clear evidence for the popularity of this idea, not even a circumstantial one, but a number of arguments, no doubt, support this impression.

4.5.1. In order to achieve the goal which the author of the two verses has set himself, viz. to stimulate effort for avoiding the bad act of taking to flight in battle, he had to refer to and utilize an idea (viz. that the effects of one's deeds can pass over to somebody else) of which he could be sure that it was wide-spread and firmly rooted in the minds of the people at large. At least he must have been convinced that people⁸⁴ are in any case inclined to believe in this idea, even if it should have been his own creation; and a punishment which refers to life after death in the manner described, i.e. which practically consists in losing the privilege of going to heaven and enjoying oneself in the company of heavenly damsels, is in fact much more concrete and hence also more effective than a mere change of the quantity of *dharma* or *adharma* substance seen against the background of an almost endless series of future rebirths.

4.5.2. What has to be taken into account here in addition are certain ideas connected with the king, and, to be sure, it is a «master» of this type whom Manu has primarily in mind. What I am referring to is not so much the idea that the king gets the sixth part of the *tapas* accumulated by an ascetic living in his realm⁸⁵ nor the belief that he shares in the religious merit accumu-

84. It is important here to remember that an army does not by any means consist of *kṣatriyas* only; cf. fn. 69 and Hopkins, *op. cit.* (cf. fn. 70), p. 185 ff.

85. Cf. my article *Samika und Śṛṅgin...*, in WZKS, 23 (1979), pp. 29-60 and Kālidāsa's Śak. II 13: *yad uttiṣṭhati varṇebhyo nṛpāṇāṃ kṣayi tatphalam / tapahṣaḍbhāgam akṣayyaṃ dadaty āraṇyakā hi naḥ* // (quoted by P. V. KANE, *History of Dharmaśāstra*, Vol. II Pt. 1, Poona, 1974, p. 144).

lated by the Brāhmaṇas⁸⁶, but rather the idea, still more central to the Indian conception of kingship that (as Manu says at 8.304) « a king who (duly) protects (his subjects) receives from each and all the sixth part of their spiritual merit; if he does not protect them, the sixth part of their demerit also (will fall on him) »⁸⁷. For it shows even more clearly that merit and demerit are not at all conceived of as an absolutely inalienable substance if the king, or generally speaking the ruler over a territory, and his duties and rights are taken into consideration. On the contrary, the impression one gathers from even a cursory perusal of the relevant material is that this idea is notably common in this sphere⁸⁸.

As M. 8.304 is clearly based on the idea, almost stereotypically mentioned in connection with kingship, that the king has to render protection to his subjects and that it is therefore only⁸⁹, or primarily because of this, that he has the right to levy taxes, attention is once more drawn to what forms the core of the relation between the « master » and servant of M. 7.94 and 95: Obviously this is thought of as a contractual relationship, and an essential 'article' of the agreement is that the warrior is obliged to fight valorously in return for the *bhṛti* he enjoys, for the *pinḍa* he receives⁹⁰. Again one is reminded of Vedic times, viz. the fact pointed out by W. Rau⁹¹ that in the sources he draws upon in his important study the possible legal relations between individuals as well as between groups of men are reduced to just one, and that one of the points of view from which this sole relation is looked at is that of the relation between « provider » (*bhartṛ*) and « dependent (person) » (*bhārya*). The Epos contains evidence showing⁹² that in fact the *bhartṛ-bhārya* relation served as the matrix for the conception and development of the relation between king and warrior, and its

86. Cf. P. V. KANE, *op. cit.* (fn. 85), p. 140 ff.

87. Quoted from Bühler's translation (cf. fn. 2), p. 307.

88. What I have in mind is first of all the material drawn upon or referred to by P. V. KANE, *op. cit.* (fn. 85), *loc. cit.*, but also passages like that of the Nītimayūkha (cf. fn. 72), p. 75.

89. Cf. e.g. Manu 8.307.

90. Cf. fn. 71 and 83.

91. *Staat und Gesellschaft im Alten Indien*, Wiesbaden, 1957, p. 32 ff.

92. *Op. cit.* (cf. fn. 70) p. 190.

various aspects (legal, economic and ethical, though as regards the latter more information would be welcome).

The disloyal act spoken of in the two Manu verses was hence most probably regarded as a most serious breach of contract⁹³ by which it not only becomes null and void, but must also inevitably have correspondingly serious consequences. In any case it is legitimate, to say the least, to state that M. 7.94 and 95 refer to a sphere of social organisation and its 'ideology' which are a matter of everyday experience and should hence have been common, i.e. which were popular at least in the sense of having general currency and being commonly accepted.

4.5.3. But popularity (in this sense of the word) I feel justified to ascribe to the particular idea expressed in M. 7.94 and 95 also because I assume that this idea is a particularization of a more general one, viz. that the effects of one's deeds can pass over to other people; and I further assume that this general idea is by itself of a basically popular nature. And this assumption is also suggested by the observation that many a younger colleague, when I told him about these Manu verses, was instantaneously able to adduce similar examples from their own experiences of life and/or fieldwork in India, and Nepal, all of which testify to the fact that the belief in the separability of merit from its rightful owner, and to some extent also of demerit, is (still) very much alive and forms to all appearances a frequent and natural element of the culture of the general public in South-East Asia.

Again, certain observations made by Gombrich in present-day Sri Lanka in connection with studying the concept of *pinkamma* clearly point in the same direction⁹⁴. It is true that Gombrich himself modifies his remark⁹⁵ about the practice of *mataka dāne*, the *dāne* of the dead, viz. that « the popular understanding of

93. And by no means only an act of ingratitude as contended by Rangasvami Aiyangar in his "Introduction" (cf. fn. 80), p. 74 f.

94. The reference is to a) his article 'Merit Transference' in *Sinhalese Buddhism: A Case Study on the Interaction between Doctrine and Practice*, in « History of Religions », 11 (1971-1972), pp. 203-219, and b) to his book *Precept and Practice, Traditional Buddhism in the Rural Highlands of Ceylon*, Oxford, 1971.

95. *Op. cit.* (fn. 94 b)), p. 238.

what goes on ... is rather different ⁹⁶ The donor is understood to be giving the gods his merit as a *quid pro quo*, as if he were buying their protection for cash »; for he adds ⁹⁷ that « what I have just called 'the popular understanding' is actually not explicit: When questioned people either confess ignorance or give the orthodox explanation. The view of merit as spiritual cash is *affective* belief only... » ⁹⁸. And it is also true that Gombrich explicitly states that ⁹⁹ « the only sense in which it is accurate to describe these beliefs and practices as 'popular' is the everyday one of 'widely liked' or 'prevalent'. But if so used 'popular' no longer distinguishes merit transference from, say, the Four Noble Truths or alms-giving ».

But it is he, too, who most convincingly points to the « emotional need to do something for your dead relatives » as forming the psychological starting point and basis of this practice;

who explains the doctrine of merit transference as ¹⁰⁰ « an ingenious legitimization of the practices of those people (i.e. everybody, or nearly everybody) who could not accept a particular consequence of the intentionality doctrine, namely that they could do nothing for their dead relatives »;

and who thereby implicitly emphasizes that what he calls the « reified » concept of merit is a wide-spread and deep-rooted albeit unconscious or unreflected mode of thought of common people in Sri Lanka.

5. This leads us now to the final problem to which I should like to call attention in the present essay. A considerable part of the studies on the « transfer/transference of merit » — also called « merit transfer/transference » — (referred to in the introduction [cf. § 0] is devoted to materials from Buddhist texts, and the discussion alluded to by me centres by and large on the problem of the correct interpretation of relevant passages in Pali sources in terms of the history of ideas: Quite a number of these passages are con-

96. The emphasis is mine.

97. *Loc. cit.* (fn. 94 a)), p. 216.

98. *Loc. cit.* (fn. 94 a)), p. 206.

99. *Op. cit.* (fn. 94 b)), p. 319; the subsequent quotation is found *ibid.*, p. 323.

100. *Op. cit.* (fn. 94 b)), p. 251.

troversial, and taken together they raise the important question whether they testify, as Bechert thinks¹⁰¹, to semi-mahāyānistic tendencies in Theravāda Buddhism or not. Much of the subject matter of this discussion does not have a direct bearing on the analysis of M. 7.94 and 95; nevertheless it is noteworthy because it clearly shows that O'Flaherty's¹⁰² contrasting of the « very materialistic » *karma* transfer in Hinduism with the « spiritualized » one of Buddhism is a hazardous simplification; for there are quite evidently common traits in both, and they are of such a nature that it is highly questionable if the category of an influence exercised by one on the other, and *vice versa*, is at all applicable, i.e. if the similarities observed are not more plausibly explained by assuming that both the religions are to some extent fed by, or at least not completely insulated against, the ground-water of popular ideas about the effects of deeds and their not being inseparably connected with their rightful owner¹⁰³.

Yet, I find these studies still more instructive as regards the term 'transfer of merit' itself: The use of this term, I feel, should strictly be confined to the idea of an intentional act by which one's own merit is really transferred to another person for the sake of his well-being or even salvation. To use it inflationarily as a ready-made label for each and every phenomenon, however faintly similar to it, does not by any means contribute to sharpening our eye and deepening our understanding of the individual ideas, their cultural context and historical setting.

But I do not want to enter here into a detailed critical discussion with contemporary scholars: instead let me conclude by adding that already Lüders¹⁰⁴ seems to have used the term « Über-

101. Cf. his essay *Buddha-Feld und Verdienstübertragung: Mahāyāna-Ideen im Theravāda-Buddhismus Ceylons* in « Bulletin de la Classe des Lettres et des Sciences Morales et Politiques », 5^e série, tome LXII (1976), pp. 27-51.

102. See her "Introduction" (p. XIX) to the book edited by her: *Karma and Rebirth in Classical Indian Traditions*, Berkeley-Los Angeles-London, 1980.

103. As to how Buddhist thought came to terms with such ideas and where it was unable to accept them, cf. first of all L. Schmithausen's article *Critical Response* in « Karma & Rebirth. Post Classical Developments », ed. by Ronald W. Neufeldt, New York, 1986, pp. 203-230, particularly p. 211 ff.

104. *Varuṇa*. Aus dem Nachlass hrsg. v. L. Alsdorf, Bd. II, Göttingen, 1959, p. 657.

tragung (der guten Werke) » in a manner which does not bear closer scrutiny; for, the verb used in the crucial passage (AiB 8.15) is *vrj* Ā., and one has, of course, clearly to distinguish between the two following actions: On the one hand that the king in taking an oath at the *mahābhiṣeka* declares his assent to the priest's « turning towards himself » his (i.e. the king's) own good deeds (in the case of his cheating the priest out of his *dakṣiṇā*), on the other that a person with a view to helping somebody else (deliberately) transfers the effects of his good deeds to him.

But apart from this inexactitude, Lüders's observations on the Indian oath are highly interesting if connected with the two Manu verses discussed here: For in (Epic) formulas of oaths the evil one wishes others above all is « not to partake of the world of the fathers » or « to be deprived of the merit obtained by sacrifices and good deeds »¹⁰⁵, i.e. one wishes that one's enemies do not attain heaven¹⁰⁶; and this together with M. 7.94 and 95 warrants the conclusion that the idea of the passing over of *sukṛta* and particularly of *duṣkṛta* is, if not necessarily then at least often, connected with that of punishment if the offence committed consists in some form of untruth and if, at the same time, the culprit cannot be prosecuted because it is he who in reality has the political power (like the king of the AiB passage) or because he (like the *parāvṛtta* of the two Manu verses) has already been slain by the enemy: Obviously the punishment with which one tries to threaten becomes the more severe and the more 'metaphysical' the greater the feeling of helplessness is as regards one's own capacity of calling the offender to account! And, to be sure, not to fight for the benefit of one's master, but to take instead to flight has in fact been considered by the Indians to be a breach of contract and thus ultimately an infringement of truth.

105. Quoted from LÜDERS, *op. cit.*, p. 656.

106. Cf. fn. 81.